

AMENDED IN ASSEMBLY JUNE 28, 2016

AMENDED IN ASSEMBLY JUNE 15, 2016

AMENDED IN SENATE MARCH 15, 2016

## SENATE BILL

**No. 819**

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### **Introduced by Senator Huff**

(Principal coauthor: Assembly Member Irwin)

**(Coauthors: Senators De León and Hall)**

(Coauthors: Assembly Members Chávez, Cooper, Gipson, and Lackey)

January 5, 2016

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An act to amend Sections 23004 and 23005 of, and to add Sections 23003.1, ~~23794~~, 24200.7, and 25623 to, the Business and Professions Code, relating to powdered alcohol.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 819, as amended, Huff. Powdered alcohol.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon alcoholic beverage licenses by the Department of Alcoholic Beverage Control. That act imposes additional regulations on the sale of alcoholic beverages and creates penalties for violations of those regulations.

This bill would ~~prohibit the department from issuing a license to manufacture, distribute, or sell powdered alcohol, as defined, and would~~ require the department to revoke the license of any licensee who manufactures, distributes, or sells powdered alcohol, as provided. This bill would prohibit the possession, purchase, sale, offer for sale, distribution, manufacture, or use of powdered alcohol and would make the *specified* violation of these provisions punishable as an infraction.

This bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23003.1 is added to the Business and  
2 Professions Code, to read:

3 23003.1. "Powdered alcohol" means an alcohol prepared or  
4 sold in a powder or crystalline form that is used for human  
5 consumption in that form or reconstituted as an alcoholic beverage  
6 when mixed with water or any other liquid. "Powdered alcohol"  
7 does not include "vaporized alcohol," as defined in Section 25621.

8 SEC. 2. Section 23004 of the Business and Professions Code  
9 is amended to read:

10 23004. "Alcoholic beverage" includes alcohol, spirits, liquor,  
11 wine, beer, and every liquid or solid containing alcohol, spirits,  
12 wine, or beer, and which contains one-half of 1 percent or more  
13 of alcohol by volume and which is fit for beverage purposes either  
14 alone or when diluted, mixed, or combined with other substances.  
15 "Alcoholic beverage" does not include "powdered alcohol," as  
16 defined in Section 23003.1.

17 SEC. 3. Section 23005 of the Business and Professions Code  
18 is amended to read:

19 23005. "Distilled spirits" means an alcoholic beverage obtained  
20 by the distillation of fermented agricultural products, and includes  
21 alcohol for beverage use, spirits of wine, whiskey, rum, brandy,  
22 and gin, including all dilutions and mixtures thereof. "Distilled  
23 spirits" does not include "powdered alcohol," as defined in Section  
24 23003.1.

25 ~~SEC. 4. Section 23794 is added to the Business and Professions~~  
26 ~~Code, to read:~~

1     ~~23794. A license shall not be issued to any applicant to~~  
2     ~~authorize the manufacture, distribution, or retail sale of powdered~~  
3     ~~alcohol.~~

4     ~~SEC. 5.~~

5     *SEC. 4.* Section 24200.7 is added to the Business and  
6     Professions Code, to read:

7     24200.7. The department shall revoke or suspend any license  
8     if the licensee or the agent or employee of the licensee  
9     manufactures, distributes, or offers for retail sale powdered alcohol.

10    ~~SEC. 6.~~

11    *SEC. 5.* Section 25623 is added to the Business and Professions  
12    Code, to read:

13    25623. (a) A person shall not possess, purchase, sell, offer for  
14    sale, manufacture, distribute, or use powdered alcohol.

15    (b) ~~(1)~~ Any person who sells, offers for sale, manufactures, or  
16    distributes powdered alcohol is guilty of an infraction that shall  
17    be punishable by a fine of not more than five hundred dollars  
18    (\$500).

19    ~~(2) Any person who possesses, purchases, or uses powdered~~  
20    ~~alcohol is guilty of an infraction and subject to a fine of one~~  
21    ~~hundred twenty-five dollars (\$125).~~

22    ~~SEC. 7.~~

23    *SEC. 6.* No reimbursement is required by this act pursuant to  
24    Section 6 of Article XIII B of the California Constitution because  
25    the only costs that may be incurred by a local agency or school  
26    district will be incurred because this act creates a new crime or  
27    infraction, eliminates a crime or infraction, or changes the penalty  
28    for a crime or infraction, within the meaning of Section 17556 of  
29    the Government Code, or changes the definition of a crime within  
30    the meaning of Section 6 of Article XIII B of the California  
31    Constitution.